

Group re-aims at Provo Canyon road job

By Alan Edwards

Deseret News staff writer

The Provo Canyon Coalition is readying its latest legal shot at the beleaguered Provo Canyon road reconstruction project.

Attorneys for the conservationist group are likely to file an "intent to sue" with the U.S. Army Corps of Engineers next week, coalition attorney Jeff Appel said Friday. The document is a prerequisite to a lawsuit in federal court to slow or stop the expansion of U.S. 189.

The Utah Department of Transportation is expanding the road into a four-lane highway, a tight squeeze in the narrow canyon. It is doing so under a permit obtained in August 1995 from the Army

Corps of Engineers, which requires compliance with the federal Clean Water Act.

The coalition plans to sue the Army Corps of Engineers unless the problems detailed in the "intent to sue" document are fixed within two months.

The project has been languishing for years and has experienced numerous and serious problems with landslides, faulty retaining wall design and geologic instability. Last year a falling boulder crushed a pickup truck whose driver, miraculously, survived. The project's original \$34 million price tag has continued to rise until now. UDOT executive director Tom Warne declines to say publicly, for now, anyway, how much he thinks the final tab will be.

In December, the Army Corps of Engineers warned UDOT that a retaining wall and environmental fencing were too close to the Provo River and that too much vegetation was being ripped out. It scolded UDOT for not informing the corps of potential difficulties.

Warne conceded Friday that the Provo Canyon project "has been on the high end" regarding problems.

Provo Canyon Coalition members met with the Utah Transportation Commission Friday and detailed their objections to what they perceive as the slipshod way the project has been planned and executed.

"Don't design on the back of a napkin," said Julie Mack, a Sundance environmentalist and member of the group.

Mack insisted that the coalition isn't out to stop the project but merely wants it improved. When pressed, however, she couldn't say what the coalition would specifically recommend to remedy the project's numerous problems. She simply said it deserves more study.

Various residents of Heber Valley attended Friday's meeting, most of whom said they just want reconstruction to be over, whatever it takes.

Two years ago the coalition sued UDOT to stop the project, but Judge Tena Campbell of Salt Lake's U.S. District Court denied the coalition's requests for a temporary restraining order and preliminary injunction, which would have temporarily halted the work. Trial of the matter was recently delayed until next December.

Coalition says canyon needs UDOT money

Judge will decide who gets \$126,000 from suit settlement

By DONALD W. MEYERS

The Daily Herald

PROVO CANYON — The Education Week from Aug. 18-19, BYU is looking for volunteers to help host Campus

Provo

373-8109.

Volleyball Tryouts will be held Monday-Wednesday from 6-8 a.m., and Aug. 20-21 from 8-11 a.m. for juniors, seniors and sophomores who played last year. All others my try out Aug. 25-27 from 2:45-5 p.m. Tryouts will be held at the high school gym and girls should come dressed for play. Questions can be directed to Coach Isakson at 373-8109.

said there were violations and the state decided to settle rather than go through the expense of a court trial.

But Mack said Jenkins owns and 1700 West, and the 1,145-Carson annexation, 300 South 1450 North; the 17-acre addition, near 385 East and the .43-acre Brooks-Holland

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Highland The Planning Commission will set time limits on discussion. Steven Draper, commission chairman, and Ted Stillman, city planner, will schedule the agenda items.

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Opinion and Editorial

WASHINGTON COUNTY COURIER

July 12, 1954

The Great Provo Canyon Road Shakedown Story

Shakedown is a word which has been used in the past to describe a situation in which a person or group of persons is forced to pay a sum of money to another person or group of persons in order to obtain a desired result.

It is the story of a shakedown which has been going on for some time in Provo Canyon. It is the story of a shakedown which has been going on for some time in Provo Canyon. It is the story of a shakedown which has been going on for some time in Provo Canyon.

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BY THE AUTHOR
FREDERICK J. DUNN, DIRECTOR OF THE PROVO CANYON ROAD SHEDOWN STORY

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Opinion and Editorial

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WASATCH COUNTY COURIER

JULY 13, 1999



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The Great Provo Canyon Road Shakedown Story

BY LEE ALLEN

EXECUTIVE DIRECTOR OF CITIZENS FOR ENVIRONMENTAL COMMON SENSE

Environmentalists like to portray themselves as great moral crusaders. They are out to save the earth, the animals, the trees and everything else from the rest of us, who by definition, either aren't smart enough or don't care enough to know what is good for us.

Have you ever wondered how they get the money to carry on this high-minded crusade?

The Provo Canyon road project gives a perfect example.

In 1996 a group of environmentalists tried to get Phase II of the project, the 2.1 miles from the upper falls to Wildwood killed. They took the case to court. They lost.

Environmental concerns, however, brought about a number of concessions from UDOT regarding how the project would be built. The steepness of cuts would be great to lessen the affect on vegetation. Tunnels were planned to reduce the area affected by the road and 6,000 feet of retaining wall would be constructed to also reduce the affected area.

Now its no small thing to build a four lane road through a narrow canyon while at the same time keeping traffic moving, the river protected and the project advancing.

Having driven more than a hundred times through the canyon while work was progressing I was impressed by the effectiveness of the engineers and the construction workers. Everyone seemed to know what needed to be done and was doing it with great skill.

From driving along the construction area you could hardly guess that the project was being dogged by a group of environmental obstructionists, backed by the Provo Herald, who were more interested in stopping the project and flexing their political muscle than they were in seeing a lifesaving road built.

Suddenly folks who most likely couldn't grab their back pockets with both hands became road construction experts looking for the slightest reasons to criticize the work.

It became a no win situation for the road builders who had real world problems to deal with. First there were complaints about drilling equipment taking core samples to determine the underlying rock conditions. Then there were complaints when unexpected cracks and holes were found and had to be dealt with.

Problems with stability on the sides of cuts were made to seem like incompetence on the part of the builder rather than typical problems that needed special work.

But the real ripper came when the contractor interpreted the Corps of Engineers' wetland permit differently from the bureaucrats who wrote it. The permit required the "roadway" to be eight feet from the "ordinary highwater mark." Both the Utah Department of Transportation and the contractor thought this meant the pavement. The Corps of Engineers said it meant the outside of the retaining wall.

Rather than treat this as a misunderstanding, after all what kind of nut case would you have to be to think that road engineers would purposely violate a binding permit in plain sight of the whole world, the American Canoe Association and the Provo Canyon Coalition threatened to make a federal case out of it and go to court.

The ACA, which has nine pages of litigation action around the country listed on its web site, was the driving force behind the action. Robert Redford's Sundance Foundation, in the person of Julie Mack, environmental

coordinator, provided the local outrage in the media.

Along with the retaining wall were charges of a number of other violations, such as not updating revegetation plans along the river bank, and failing to properly install silt dams, black vinyl sheeting on stakes along the bank, to separate silt from runoff water. Virtually all of

"Suddenly folks who most likely couldn't grab their back pockets with both hands became road construction experts looking for the slightest reasons to criticize the work."

LEE ALLEN
GUEST COLUMNIST

the problems could have been solved quickly with little difficulty once they were discovered, but there is no money in that and the builder had to be punished.

UDOT and the road contractor decided to settle. The obstructionist lawyers got \$27,000 for their efforts. And since the law doesn't allow "citizen" parties to suits under the Clean Water Act to get payment, \$140,000 was given by the judge to an environmental organization, selected by the Provo Canyon Coalition, called The Nature Conservancy. The contractor also paid \$10,000 to the same people.

Never mind that the river was not damaged. That not a single trout was ever scared, made ill or even inconvenienced by the construction of the new road. The obstructionists flexed their muscle, caused a lot of turmoil and in the end got paid by the taxpayers for their efforts. If you or I had threatened someone's business unless they paid money to our friend we would be in jail. But such is the high moral basis of modern environmentalism.

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